

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DILANG DAT

Defendant.

8:14CR409

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Motion to Set Aside Order Denying Relief Pursuant to Rule 60(b) and Request for Leave to Amend Original § 2255 Motion to Vacate, Set Aside, or Correct Sentence, ECF No. 360, filed by the Defendant, Dilang Dat. In its Memorandum and Order, ECF No. 354, the Court summarily dismissed the Defendant's Motion to Vacate, Set Aside, or Correct his Sentence pursuant to 28 U.S.C. § 2255, ECF No. 342. The Defendant asserts the Court's dismissal was in error because he was not granted an evidentiary hearing and the Government was not required to show cause why his § 2255 Motion should not be granted. The Defendant also requests leave to amend his § 2255 Motion in order to further support his ineffective assistance of counsel claim. The Defendant's Rule 60(b) Motion has been carefully considered and the Court finds that it should be denied.

IT IS ORDERED that the Defendant's Motion to Set Aside Order Denying Relief Pursuant to Rule 60(b) and Request for Leave to Amend Original § 2255 Motion to Vacate, Set Aside, or Correct Sentence, ECF No. 360, is denied.

Dated this 26th day of October, 2017.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge